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ILLINOIS COMMERCE COMMISSION

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#04933 ILLINOIS COMMERCE COMMISSION

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STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

CHIEF CLERK'S OFFICE

INLAND PAPERBOARD AND PACKAGING,)
INC. f/k/a INLAND CONTAINER CORP.,)

Complainant,)

v.)

No. 00-0385

COMMONWEALTH EDISON COMPANY,)

Respondent.)

Complaint as to Municipal Taxes and)
Franchise Costs improperly charged to the)
complainant in Leyden Township, Illinois.)

SECOND AGREED MOTION TO CONTINUE HEARING DATE

NOW COMES complainant, Inland Paperboard and Packaging, Inc. f/k/a Inland Container Corp. ("Inland"), by it attorneys, Williams Montgomery & John, Ltd., and moves this Commission for and Order continuing the scheduled hearing in this matter. Counsel for Commonwealth Edison Company is in agreement with this motion. In support of this motion, Inland states as follows:

1. That a hearing on all still outstanding issues was scheduled for September 11, 2001, before the Commission's Hearing Examiner Philip Casey.
2. The parties re-initiated settlement negotiations on August 2, 2001. Further, the parties have discussed scheduling a settlement conference amongst themselves in an effort to facilitate additional settlement negotiation.

3. On August 17, 2001, Inland filed with the Commission an Agreed Motion to Continue Hearing Date. (See Motion attached hereto as Exhibit A.) The motion requested a new hearing date be scheduled forty-five (45) days or more from the initial hearing date of September 11, 2001.

4. On August 23, 2001, the Joint Motion to Continue was granted, continuing the hearing to October 15, 2001. (See Notice of Administrative Law Judge Ruling, attached hereto as Exhibit B.)

5. Counsel for Inland, Thomas J. Pontikis, is scheduled to begin trial on October 15, 2001, in the Circuit Court of Cook County, in the case of Raul Negron, et al. v. Chicago and Northwestern Transportation Company, et al., case # 97L07879. (See copy of order, entered April 13, 2001, attached hereto as Exhibit C.) As evidenced in the order, the trial date for this case is final. Mr. Pontikis is the partner responsible for this case and will be trying the case himself. (See Affidavit of Thomas J. Pontikis, attached hereto as Exhibit D.)

6. Further, Mr. Pontikis is the partner responsible for the case at bar and will be handling the hearing in this matter. (See Exhibit D.)

7. Because Mr. Pontikis has a scheduling conflict for the date of October 15, 2001, we respectfully request that the hearing date in this matter be continued at least fifteen (15) days in order to accommodate counsel for Inland's schedule.

WHEREFORE, Petitioner, Inland Paperboard and Packaging f/k/a Inland Container, Inc. respectfully requests that the Commission's Hearing Examiner grant complainant's Second Motion to Continue the hearing on the above referenced matter to a future date at least fifteen (15) days from October 15, 2001.

Respectfully submitted,

INLAND PAPERBOARD AND
PACKAGING

By

A handwritten signature in dark ink, appearing to read 'David C. Hartwell', written over a horizontal line.

David C. Hartwell

Thomas J. Pontikis
David C. Hartwell
WILLIAMS MONTGOMERY & JOHN, LTD.
20 N. Wacker Drive, Suite 2100
Chicago, Illinois 60603
(312) 443-3200

OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION

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ORIGINAL
#04933
ILLINOIS
COMMERCE COMMISSION

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STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

CHIEF CLERK'S OFFICE

INLAND PAPERBOARD AND PACKAGING,)
INC. f/k/a INLAND CONTAINER CORP.,)

Complainant,)

v.)

No. 00-0385

COMMONWEALTH EDISON COMPANY,)

Respondent.)

Complaint as to Municipal Taxes and)
Franchise Costs improperly charged to the)
complainant in Leyden Township, Illinois.)

AGREED MOTION TO CONTINUE HEARING DATE

NOW COMES complainant, Inland Paperboard and Packaging, Inc. f/k/a Inland Container Corp. ("Inland"), by it attorneys, Williams Montgomery & John, Ltd., and moves this Commission for and Order continuing the scheduled hearing in this matter. Counsel for Commonwealth Edison Company has reviewed and approved this motion. In support of this motion, Inland states as follows:

1. That a hearing on all still outstanding issues is scheduled for September 11, 2001, before the Commission's Hearing Examiner Philip Casey.
2. The parties re-initiated settlement negotiations on August 2, 2001. Further, the parties have discussed scheduling a settlement conference amongst themselves in an effort to facilitate additional settlement negotiation.

3. The parties mutually agree that it would be in the best interest of both parties to continue further hearing on this matter for at least a period of forty-five (45) days from the scheduled hearing date of September 11, 2001.

WHEREFORE, Petitioner, Inland Paperboard and Packaging f/k/a Inland Container, Inc. respectfully requests that the Commission's Hearing Examiner grant complainant's Motion to Continue the hearing on the above referenced matter to a future date at least forty-five (45) days from September 11, 2001.

Respectfully submitted,

INLAND PAPERBOARD AND
PACKAGING

By 
David C. Hartwell

Thomas J. Pontikis
David C. Hartwell
WILLIAMS MONTGOMERY & JOHN, LTD.
20 N. Wacker Drive, Suite 2100
Chicago, Illinois 60603
(312) 443-3200

CERTIFICATE OF SERVICE

I, David C. Hartwell, an attorney, hereby certify that on August 16, 2001, I caused a copy of Inland Paperboard and Packaging, Inc.'s Agreed Motion to Continue Hearing Date, to be served via Overnight Mail to the Illinois Commerce Commission and U.S. Mail on Attorneys for Commonwealth Edison at the party's respective address and Hearing Examiner Phillip Casey.

A handwritten signature in black ink, appearing to read 'David C. Hartwell', is written over a horizontal line.

David C. Hartwell

SERVICE LIST

20603.00F700

Attorneys for Commonwealth Edison

Williams J. McKenna, Jr.

Jill C. Dennon

Foley & Lardner

Three First National Plaza

Suite 4100

Chicago, Illinois 60602

(312) 558-6600

(312) 558-6538 fax

Hearing Examiner Philip A. Casey

Illinois Commerce Commission

160 North LaSalle Street

Suite C-800

Chicago, Illinois 60601

August 23, 2001

| | | |
|---|---|---------|
| Inland Paperboard and Packaging, Inc. | : | |
| f/k/a Inland Container Corp. | : | |
| -vs- | : | |
| Commonwealth Edison Company | : | 00-0385 |
| Complaint as to municipal taxes an franchise | : | |
| fees improperly charged to the complainant in | : | |
| Leyden Township, Illinois. | : | |

NOTICE OF ADMINISTRATIVE LAW JUDGE RULING
AND
NOTICE OF CONTINUANCE OF HEARING

TO ALL PARTIES OF INTEREST:

Notice is hereby given that the Joint Motion to continue is granted by the Administrative Law Judge.

Notice is also given that the hearing in the above entitled matter scheduled for September 11, 2001, has been continued to October 15, 2001, at the offices of the Commission, Chicago, Illinois, State of Illinois Building, 160 North LaSalle, Suite C-800, at the hour of 10:00 A.M. No further continuances will be granted.

Sincerely,

Donna M. Caton
Chief Clerk

sc
Administrative Law Judge Casey

Service List 00-0385

Gregory Cagnassola
Inland Paperboard and Packaging, Inc.
4030 Vincennes Rd.
Indianapolis, IN 46268-0937

Thomas J. Pontikas
Atty. for Complainant
Williams & Montgomery Ltd.
20 N. Wacker Dr., Ste. 2100
Chicago, IL 60606
mailto:services@willmont.com

Rebecca J. Lauer
Deputy General Counsel
Commonwealth Edison Company
PO Box 805398
Chicago IL 60680-5398
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William J. McKenna, Jr. & Jill C. Dennon
Attys. for Commonwealth Edison Company
Foley & Lardner
Three First National Plaza, Ste. 4100
Chicago, IL 60602 *
mailto:wmckenna@foleylaw.com

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT/LAW DIVISION

Line # 15

Negron

Plaintiff(s)

No.

97 L 7879

Midwest Terminal Services

Defendant(s)

et al

COURTROOM 2005 CASE MANAGEMENT ORDER

THIS CAUSE coming forth on the trial call for status, proper notice having been served on all counsel of record and the Court having conducted a case management conference pursuant to Supreme Court Rule 218,

1. THE COURT FINDS that counsel for the following parties were not present for the conference:



FURTHER IT IS HEREBY ORDERED:

2. All dispositive motions other than motions for summary judgment shall be filed on or before: May 17, 2001 4231
 NOTICE: Motions for summary judgment are subject to the requirements of Circuit Court Rule 210, unless specifically and expressly waived or modified in this order.
3. For good cause shown, fact discovery is extended and shall be completed by May 17, 2001 4296
4. a. The plaintiff(s) shall respond to Rule 213(g) interrogatories by May 17, 2001 4206
 b. Deposition of plaintiff(s) opinion witness shall be completed by May 17, 2001 4212
 c. Defendant(s) shall respond to Rule 213(g) interrogatories by June 15, 2001 4261
 d. Depositions of defendant(s) opinion witness shall be completed by June 15, 2001 4278
 e. Third-party defendant(s) shall respond to Rule 213(g) interrogatories by June 15, 2001 4296
 f. Depositions of the third-party defendant(s) opinion witnesses shall be completed by July 15, 2001 4318
5. No deposition shall exceed three hours with the exception of the following:

6. Other: Frank May 17, 2001 trial date 4304
Final date for trial. Trial cannot be
continued due to unavailability of material
testimony. Written notice of change of trial
date to all parties & witnesses within 48 hours.

7. ☒ All parties agree to waive the sixty-day requirement of Supreme Court Rule 218(c). (Please check box) 4251

8. THIS MATTER IS SET IN ROOM 2005 FOR: Final 4251
 Jury Trial at 9:00 a.m. on October 15, 2001 4296
 Non-jury Trial at 9:45 a.m. on _____
 Jury Status at 9:00 a.m. on _____ Non-jury Status at 9:45 a.m. on _____ 4316

Atty. No. 04933
 Name: Williams, Winkam & Sun
 Atty. for: Copy A 184 M
 Address: 76 N. Water Drive
 City/State/Zip: Chicago 60606
 Telephone: (312) 443-3200

JUDGE: HANOVE A. KOBAN
APR 13 2001
Circuit Court Clerk
 JUDGE: _____
 JUDGE: _____

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

STATE OF ILLINOIS**ILLINOIS COMMERCE COMMISSION**

| | | |
|---|---|-------------|
| INLAND PAPERBOARD AND PACKAGING, |) | |
| INC. f/k/a INLAND CONTAINER CORP., |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | No. 00-0385 |
| |) | |
| COMMONWEALTH EDISON COMPANY, |) | |
| |) | |
| Respondent. |) | |
| |) | |
| Complaint as to Municipal Taxes and |) | |
| Franchise Costs improperly charged to the |) | |
| complainant in Leyden Township, Illinois. |) | |

AFFIDAVIT OF THOMAS J. PONTIKIS

Thomas J. Pontikis deposes and states that Affiant is an adult person over the age of twenty-one (21) years, that Affiant has knowledge of the facts stated herein, that said facts are true and correct and that Affiant is competent to testify if called as a witness in the above-captioned case. Affiant further state as follows:

1. I am an attorney and partner in good standing employed by the firm of Williams Montgomery & John, Ltd.
2. I am the attorney representing INLAND PAPERBOARD AND PACKAGING, INC. f/k/a INLAND CONTAINER CORP in the above captioned matter. I am responsible for and handle all hearings before the Commission in this matter.

3. I am the attorney representing H & M International in the case of Raul Negron v. Chicago and Northwestern Transportation Company, et al., case # 97L07897. The trial in this case is starting on October 15, 2001 in Circuit Court of Cook County, law Division. I will be trying this matter.

THE AFFIANT SAYATH FURTHER NOT.

A handwritten signature in black ink, appearing to be 'T. Pontikis', is written above a horizontal line.

THOMAS J. PONTIKIS